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INMATE HEALTH ISSUES AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the State Institutions Code regarding medical care expenses of inmates in the custody of the Department of Corrections.

Highlighted Provisions:

This bill:

- ▶ provides that the department will pay a yearly flat rate of \$2,500,000 from funds appropriated to the department for the designated health care facility; and
- ▶ designates the University of Utah Medical Center as the health care facility to provide medical service for offenders in the custody of the department when medical care is provided outside of a prison facility.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2011.

Utah Code Sections Affected:

AMENDS:

64-13-30 (Effective 07/01/11), as last amended by Laws of Utah 2010, Chapter 386

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **64-13-30 (Effective 07/01/11)** is amended to read:



28 **64-13-30 (Effective 07/01/11). Expenses incurred by offenders -- Payment to**
29 **department or county jail -- Medical care expenses and copayments.**

30 (1) (a) The department shall establish and collect from each offender on a work release
31 program the reasonable costs of the offender's maintenance, transportation, and incidental
32 expenses incurred by the department on behalf of the offender.

33 (b) Priority shall be given to restitution and family support obligations.

34 (c) The offender's reimbursement to the department for the cost of obtaining the
35 offender's DNA specimen under Section 53-10-404 is the next priority after Subsection (1)(b).

36 (2) The department, under its rules, may advance funds to any offender as necessary to
37 establish the offender in a work release program.

38 (3) (a) The department or county jail may require an inmate to make a copayment for
39 medical and dental services provided by the department or county jail.

40 (b) For services provided while in the custody of the department, the copayment by the
41 inmate is \$5 for primary medical care, \$5 for dental care, and \$2 for prescription medication.

42 (c) For services provided outside of a prison facility while in the custody of the
43 department, the offender is responsible for 10% of the costs associated with hospital care with
44 a cap on an inmate's share of hospital care expenses not to exceed \$2,000 per fiscal year.

45 (4) (a) An inmate who has assets exceeding \$200,000, as determined by the department
46 upon entry into the department's custody, is responsible to pay the costs of all medical and
47 dental care up to 20% of the inmate's total determined asset value.

48 (b) After an inmate has received medical and dental care equal to 20% of the inmate's
49 total asset value, the inmate is subject to the copayments provided in Subsection (3).

50 (5) The department shall turn over to the Office of State Debt Collection any debt
51 under this section that is unpaid at the time the offender is released from parole.

52 (6) An inmate may not be denied medical treatment if the inmate is unable to pay for
53 the treatment because of inadequate financial resources.

54 (7) When an offender in the custody of the department receives medical care that is
55 provided outside of a prison facility, the department shall pay [~~the costs~~]:

56 ~~[(a) at the contracted rate; or]~~

57 ~~[(b) (i) if there is no contract between the department and a health care facility that~~
58 ~~establishes a fee schedule for medical services rendered, expenses shall be at the noncapitated~~

59 ~~state Medicaid rate in effect at the time the service was provided; and]~~

60 (a) (i) to the designated health care facility a yearly flat rate of \$2,500,000 appropriated
61 to the department; and

62 (ii) the University of Utah Medical Center is the designated health care facility; and

63 (b) to health care providers:

64 (i) at the contracted rate; or

65 (ii) if there is no contract between the department and a health care provider that
66 establishes a fee schedule for medical services rendered, expenses under this Subsection (7)(b)
67 shall be 65% of the amount that would be paid under the Public Employees' Benefit and
68 Insurance Program, created in Section 49-20-103.

69 (8) Expenses described in Subsection (7) are a cost to the department only to the extent
70 that they exceed an offender's private insurance that is in effect at the time of the service and
71 that covers those expenses.

72 (9) (a) The Public Employees' Benefit and Insurance Program shall provide
73 information to the department that enables the department to calculate the amount to be paid to
74 a health care provider under Subsection (7)(b).

75 (b) The department shall ensure that information provided under Subsection (9)(a) is
76 confidential.

77 Section 2. **Effective date.**

78 This bill takes effect on July 1, 2011.

Legislative Review Note
as of 3-3-11 10:13 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 498

SHORT TITLE: Inmate Health Issues Amendments

SPONSOR: Ray, P.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will save the Department of Corrections an estimated \$2 million ongoing from the General Fund beginning in FY 2012.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund	\$0	(\$2,000,000)	(\$2,000,000)
Total Expenditure	\$0	(\$2,000,000)	(\$2,000,000)
Net Impact, All Funds (Rev.-Exp.)	\$0	\$2,000,000	\$2,000,000
Net Impact, General/Education Funds	\$0	\$2,000,000	\$2,000,000

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.